

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re:  
Russell B. Harrod and Darlene B. Harrod,  
  
Appellants,  
  
v.  
  
Joel and Jane Doe Feldman,  
  
Appellees.

No. C05-1210MJP

Bankruptcy Appeal No. 05-S032

ORDER GRANTING MOTION TO  
REOPEN TIME FOR APPEAL

This case comes before the Court on Appellants' Motion to Reopen the Time for Appeal. (Dkt. No. 16). Having review the materials submitted by the parties, the Court GRANTS Appellants' motion.

Appellants argue that the time for appeal should be reopened under Federal Rule of Appellate Procedure 4(a)(6). FRAP 4(a)(6) authorizes the Court to reopen the time to file an appeal if three conditions are met:

- a) the court finds that the moving party did not receive notice . . . of the entry of the judgment or order sought to be appealed within 21 days after entry;
- b) the motion is filed within 180 days after the judgment or order is entered or within 7 days after the moving party receives notice . . . whichever is earlier; and
- c) the court finds that no party would be prejudiced.

The Court finds that Appellants did not receive notice of the Court's July 13<sup>th</sup>, 2006 Order On Appeal from Ruling of Bankruptcy Court or the Court's July 13<sup>th</sup> Judgment. The Court finds that Appellants filed this motion within one day of receiving notice of the Order and Judgment. And the Court finds that the parties will not be prejudiced by reopening the time for appeal. Although

1 Appellees may be inconvenienced because the bankruptcy court already granted them summary  
2 judgment and the funds that are the subject of this case have already been distributed, they will not be  
3 prejudiced.

4 The Court therefore GRANTS Appellants' motion to reopen the time for appeal. Pursuant to  
5 FRAP 4(a)(6), the Court reopens the time to file an appeal in this case for another 14 days after the  
6 date of this order. An appeal may be filed no later than October 27<sup>th</sup>, 2006.

7 The Clerk is directed to send copies of this order to all counsel of record.

8 Dated this 13<sup>th</sup> day of October, 2006.

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11 Marsha J. Pechman  
12 United States District Judge  
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